THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.14296 of 2006

Dated: 31-08-2006

Between:
S.S.Anveshitha.

..Petitioner

and

The District Collector (Tribal Welfare), Chittoor and others.

..Respondents.

THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.14296 of 2006

ORDER:

This writ petition is filed seeking a declaration that the action of the 1st respondent not taking action under Section 5 of the Andhra Pradesh (SCs, STs & BCs) Regulation of Issue of Community Certificate Act, 1993 (for short 'the Act') against the 4th respondent as arbitrary and illegal.

It is stated that the 4th respondent herein is claiming the social status as Scheduled Tribe by producing the community certificate issued by the Mandal Revenue Officer, Madanapalle. The petitioner is also one of the candidates, who applied for admission to M.B.B.S. course under Scheduled Tribe category and she is placed next to the 4th respondent in the order of merit. On enquiry, the petitioner found that the 4th respondent did not belong to Scheduled Tribe and the certificate produced by her was false. Accordingly, the petitioner made a complaint to the respondents 1 and 2 for taking necessary action. She also filed W.P.No.21352 of 2005, which was disposed of by this Court by order, dated 30-09-2005 with a direction to the respondents to enquire with regard to the community certificate issued by the Mandal Revenue Officer,

Madanapalle in favour of 4th respondent and pass appropriate orders. The petitioner states that pursuant thereto, the Commissioner of Tribal Welfare-2nd respondent conducted a detailed enquiry and submitted a report dated 24-03-2006 to the Collector-District Magistrate-1st respondent stating that the enquiry revealed that the 4th respondent does not belong to Yerukala community as claimed by her. The Collector-District Magistrate, who is the competent authority under the provisions of the Act, is required to refer the matter to the District Level Scrutiny Committee and take appropriate action. The only grievance of the petitioner is that in spite of the fact that the report was submitted by the Commissioner of Tribal Welfare long back in March, 2006, the 1st respondent failed to take any further steps. Hence, this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for respondents 1 & 2 and Sri D.V.Nagarjuna Babu, learned counsel appearing for 3rd respondent.

Having regard to the scheme of the provisions of the Act, it is not in dispute that the District Collector is required to take action under Section 5 of the Act on the basis of any complaint received with regard to the genuineness of the community certificate. Since the material on record shows that the Commissioner of Tribal Welfare submitted a report dated 24-03-2006 requesting the District Collector to place the matter before the District Level Scrutiny Committee and take appropriate action,

I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to take the necessary further steps as provided under the Act and Rules made there under and pass appropriate orders in accordance with law as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J

Dated: 31-08-2006

Note:
Issue CC by two days.

(Bo)

sj